



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2307927
Applicant Name: Dennis Chivers
Address of Proposal: 3841 Northeast 123rd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 7,228 sq. ft. two-story addition to an existing religious facility (Lake City Presbyterian Church). Project includes existing parking to be reconfigured for a total of 77 spaces.

The following approvals are required:

Administrative Conditional Use—to expand an institution in a SF 5000 zone.
(Chapter 23.44.022, Seattle Municipal Code.)

SEPA - Environmental Determination
(Chapter 25.05, Seattle Municipal Code)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☒ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The subject property is located at 3841 Northeast 123rd Street in a Single Family 7200 (SF 7200) zone. This 52,162 square foot (sq. ft.) parcel is bounded by 39th Avenue Northeast to the west, Northeast 123rd Street to the north and 40th Avenue Northeast to the east, with private residential property along the southern perimeter. Development on the subject site consists of a two-story

20,876 sq. ft. religious institution known as Lake City Presbyterian Church. Vehicular access to the subject site is via Northeast 123rd Street and 40th Avenue Northeast. Surface parking for eighty-five (85) vehicles is currently provided on site. Hedges along the south property line and a combination of trees, hedges and solid wood fencing along the west property line screen the surface parking lot from the residential neighbors just west and south of the property. The church also owns a graveled parking lot located across the street and east of the subject lot addressed as 12054 40th Avenue Northeast. As noted per DPD permit #BN01216, an Administrative Conditional Use was granted to establish and maintain a parking area for twenty (20) vehicles accessory to the existing church.

The surrounding zoning is SF 7200 with development consisting of single family residences within the immediate vicinity of the subject property. A mixed use residential development is located one block east of the subject site.

Proposal Description

The applicant proposes to construct a two-story 7,228 sq. ft. addition to the Lake City Presbyterian Church. Per the applicant's plans, the addition will be erected along the church's southern façade. The proposed addition will be approximately 36' from the east property line, 73' to the south property line and 86' to the west property line. The first floor will be finished temporarily as classrooms with the intent in the near future to be remodeled into church offices. A new fellowship hall and new narthex is proposed on the second floor. The existing fellowship hall on the lower floor is proposed to be converted to a classroom for the church's Youth Group. The proposal includes re-stripping a portion of the existing surface parking to create a total seventy-seven parking stalls on site.

Public Comment

The public comment period for this project ended January 28, 2004. DPD received two written comment letters regarding this proposal. The neighbors expressed concerns regarding the following:

- Increased parking and traffic impacts in the neighborhood during weekend church services and events.
- Increased off-site parking along Northeast 123rd Street.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Land Use Code allows the expansion of existing institutions in residential zones through the administrative conditional use process. This proposal is subject to the development standards outlined in section 23.44.008 through 23.44.016 of the Seattle Municipal Code (SMC). The director's decision has the authority to approve, condition or deny a conditional use application. This decision shall be based on the whether the proposed use will be materially detrimental to the public welfare or injurious to property. In addition to the general single family development standards institutions are subject to the standards of SMC 23.44.022. The applicable criteria used for evaluating and or conditioning the applicant's proposal are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016.

E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.

At this location there are no other institutions in single family zoned properties within 600 feet of the project site.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location of screening.

No demolition of residential structures is proposed for parking; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

The proposal is for new construction of an addition to an existing institution; therefore, this criterion is not applicable.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08. In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

The proposed institutional expansion in the single family zone is not expected to generate significant increased noise and odors. The proposal does not introduce any outdoor recreational uses. All activities will occur within the proposed addition. It is expected that the churchgoers will migrate to the new fellowship hall from the existing church sanctuary located on the same upper level. No new trash and refuse storage areas are proposed. None of the activities proposed as part of the typical use of the site are expected to exceed the maximum permissible sound levels as established and modified in the SMC Chapter 25.08.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

The overall landscape design proposed for this expansion is minimal as the site is already well integrated into the existing neighborhood fabric. With the exception of one (1) tree, all existing landscaping will be retained and augmented. Per the submitted landscape plan, additional landscaping in the forms of trees, shrubs and ground cover will be introduced along the east property line, within the surface parking area and along the facades of the proposed addition. The plantings are designed to integrate with other plantings throughout the neighborhood.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited.

Non-reflective surfaces shall be used to help reduce glare.

All exterior lighting will be limited to down lights and shielded sconce lighting at or near the building's entrances to minimize light and glare on neighboring residential properties. No additional parking lot light is proposed.

K. Bulk and Siting

1. *Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*
 - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

This 52,162 sq. ft. lot is a normal rectangular shaped lot. The addition will be constructed along a portion of the church's existing south façade over existing surface parking area. The existing building and planned addition will retain a single family-type development pattern with varied pitched rooflines, setbacks and materials. This addition will not result in changes in the development patterns as the boundaries of the religious institution are not expanding.

- b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

The religious institution is bounded by streets on three sides. The addition along the church's southern façade will assist in detracting from the wide expanse of the existing surface parking lot along Northeast 40th Street and will provide additional continuity with the block front pattern.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The yards on site will not be altered as a result of the proposal.

3. *Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.*

This provision is not applicable.

4. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

The proposal does not include roof mounted religious symbols; therefore, this criterion is not applicable.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The expanding institution will exceed 30' in length. To aid in mitigating the appearance of bulk, the proposed addition design includes varied and textural siding schemes, window and door penetrations and varied roof segments. Additionally, the addition was set back further from the east property line to provide modulation, increased yard area and space for landscape screening. No further mitigation is required.

L. Parking and Loading Berth Requirements

1. *Quantity and Location of Off-street parking.*
 - a. *Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*
 - b. *Parking and loading shall be required as provided I Section 23.54.015.*
 - c. *The Director may modify the parking and loading requirements of Section 23.54.15, Required parking, and the requirements of Section 23.44.016, Parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:*
 - i. *Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*

At present, the church provides eighty-five (85) parking stalls on site and twenty (20) offsite. Parking for religious facilities is required at a rate of one (1) space for each eighty (80) sq. ft. of public auditoria and public assembly area on site. Currently there is 2,868 sq. ft. of public assembly area on site. Therefore the current parking requirement for the church is sixty-two (62) stalls. The proposed 2,973 sq. ft. fellowship hall addition will increase the public assembly area to a total of 5,841 sq. ft. and thus increase the code required parking quantity to seventy-three (73) spaces. Even though this proposal includes removing a total of eight (8) parking stalls, ninety-seven (97) available parking stalls will remain. Therefore, no additional parking spaces are required for this proposal.

No increase of seating capacity is proposed. Per the applicant, the primary purpose of the expansion is to move the post-service fellowship function (“coffee hour”) from the existing Fellowship Hall located on the first floor below the existing sanctuary to the new Fellowship Hall on the second floor. This will allow aging and less mobile congregants to attend fellowship events without navigating the existing stair system. It is predicted that during peak parking demands (Christmas, Easter, Sunday mornings, Saturday weddings) parking spillover to adjacent residential streets will be at a minimum.

- ii. *Not cause undue traffic through residential streets nor create a serious safety hazard.*

Existing onsite parking is located on a surface parking lot both accessible from Northeast 123rd Street and 40th Avenue Northeast. Offsite parking with signage stating “Parking for Lake City Church” is across the street and immediately east of the subject site. No new vehicle access points are proposed. It is not expected that the proposed addition will cause undue traffic through residential streets nor create a serious safety hazard.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. *Traffic. Number of staff on site during normal working hours, number of users, guest and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;*
2. *Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provisions of bicycle racks;*
3. *Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;*
4. *Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;*

5. *Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.*

The proposal includes an expansion of a religious institution larger than 4,000 sq. ft.; therefore, a transportation plan was submitted by the applicant. Based on the following information provided by the applicant, the additional floor area will support current church related activities.

- The site supports five (5) to seven (7) staff members and volunteers during the week and holds occasional meetings for groups of approximately fifteen (15) to seventeen (17) people. These activities occur during typically office time between 9:00 am and 3:00 pm.
- Weekday evening meetings involving the church's ministry teams and community groups (Alcoholics Anonymous, Al Anon, etc.) could generate a total of seventy-five people in the building all at once. Typical evening meeting hours are 7:00 pm to 9:30 pm.
- Occasional wedding and reception functions occur primarily on Saturday afternoons and evenings, with occupancies similar to Sunday morning worship.
- Peak uses occurs Sunday morning worship between 8:30 am to 12:30 pm. There are averages of 185 people in the building, in which most are families that tend to carpool.

The project proposal will require seventy-three (73) parking spaces. Seventy-seven (77) parking stalls will be provided on-site and twenty (20) parking spaces will be provided off site at an existing church parking lot located at 12054 40th Avenue Northeast. No additional accesses to the parking areas are proposed.

Per the applicant, historical parking usage shows very little spillover onto neighborhood streets except in cases of extreme heavy uses-typically Easter and Christmas services. The members mainly park in the parking lot and utilize the parking spaces right in front of the church. The church also provides a van service to pick up and drop of senior members. The proposed expansion is to facilitate a smoother transition from worship services to post service fellowship time-The Coffee Hour. No separate, concurrent use of this new fellowship with the worship space is proposed; it will be used only for post service, post wedding receptions and gathering times.

Even though, historically, public transit has not been a common way for congregation members to attend church events, it is available in the immediate area. Several bus lines run on Sand Point Way Northeast which is located one block east of the subject site

ANALYSIS – ADMINISTRATIVE – CONDITIONAL USE GENERAL PROVISIONS **(SMC 23.44.018)**

- A. *Only those conditional uses identified in this subchapter may be authorized as conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions shall be used to authorize conditional uses;*

The Land Use Code allows religious facilities as an institutional use allowed through the Administrative Conditional Use approval process.

- B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016;*

This proposal is subject to development standards SMC 23.44.008 through 23.44.016.

- C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located;*

This decision shall be based on whether the proposed use meets the development criteria and conditional use criteria as described in SMC 23.44.022 A through M. A Church has operated at this location prior to 1952 per historical DPD permits. The City recognizes the public benefit of having religious institutions in neighborhoods. The criteria for this church addition shall be examined, and the project will be conditioned if necessary to prevent detriment or injury to property in the vicinity.

- D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

The criteria described in SMC 23.44.022 A through M is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

- E. Any use which was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or recommencement is proposed;*

The use at this site has not been discontinued.

- F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered and expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers and eaves.*

An addition to the existing church is proposed with this application.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED** as indicated at the end of this document.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 18, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-Term Impacts

The following temporary demolition and construction activities on this site could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise impacts.

Noise

Noise associated with construction of the building on the subject site could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during

construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site and the northern site. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day.)

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. However, due to the proposed decrease of onsite parking, parking impacts warrant further analysis.

Parking

The Land Use Code requires a total of seventy-three (73) parking spaces for the proposal. At present, the church provides eighty-five (85) parking stalls on site and twenty (20) offsite at 12054 40th Avenue Northeast. The submitted MUP plans indicate a total of ninety-seven (97) parking stalls-seventy-seven (77) parking stalls provided on-site and twenty (20) parking spaces provided off-site. Based on the amount of parking being retained and no proposed increase of seating capacity, it is determined that there will still be adequate on-site parking during peak demand for the church. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-ADMINISTRATIVE CONDITIONAL USE

None.

CONDITIONS - SEPA

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day.)

Signature: _____ (Signature on file) Date: December 30, 2004
Tamara Garrett, Land Use Planner

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